

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christian BRONNER et al.
Title: ICBP90 POLYPEPTIDE AND ITS FRAGMENTS AND
POLYNUCLEOTIDES CODING FOR SAID POLYPEPTIDES AND
APPLICATIONS FOR DIAGNOSING AND TREATING CANCER
Appl. No.: 10/019,071
Filing Date: 5/15/2002
Examiner: Minh-Tam DAVIS
Art Unit: 1642

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Copies of each non-U.S. patent document and each non-patent document were submitted on May 15, 2002, to comply with the provisions of 37 CFR §1.97 and §1.98. However, Applicants inadvertently failed to submit an information disclosure statement and PTO-form SB/08; therefore, no fee is due. Nevertheless, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 17, 2005

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: May 17, 2005 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/019,071
				Filing Date	5/15/2002
				First Named Inventor	BRONNER, Christian
				Group Art Unit	1642
				Examiner Name	Minh-Tam DAVIS
				Attorney Docket Number	065691-0266
Sheet	1	of	2		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	WO	98 37207	A	Hickson et al.	08-27-1998		
	A2	WO	99 38971	A	Crkvenjakov et al.	08-05-1999		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A3	DATABASE EMBL NUCLEOTIDE AND PROTEIN SEQUENCES, "Homo sapiens cDNA clone IMAGE: 1750886 3' similar to TR:015871 015871 UBIQUITIN, rRNA sequence", XP002133353 (Aug. 18, 1998).	
	A4	DATABASE EMBL NUCLEOTIDE AND PROTEIN SEQUENCES, "Homo sapiens cDNA 5'", clone IMAGE: 1750886 3' similar to TR:015871 015871 UBIQUITIN, Rrna sequence, XP002133354 (Apr. 18, 1997).	
	A5	DATABASE EMBL NUCLEOTIDE AND PROTEIN SEQUENCES, "Homo sapiens chromosome 19 clone CTC-518P12, Working Draft Sequence, 84 unordered pieces, XP002148667 (Apr. 3, 2000).	
	A6	FUJIMORI, A., et al., "Cloning and mapping of Np96 gene which encodes a novel nuclear protein associated with cell proliferation", MAMMALIAN GENOME, vol. 9, no. 12, pp. 1032-1035 (1998) (XP 000890078).	
	A7	HERZOG, C. E., et al., "Evaluation of a potential regulatory role for inverted CCAAT boxes in the human topoisomerase IIalpha promoter", BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS, vol. 232, pp. 608-612 (1997) (XP000877157).	
	A8	HOPFNER, R., et al., "ICBP90, a novel human CCAAT binding protein, involved in the regulation of topoisomerase IIalpha expression", CANCER RESEARCH, vol. 60, no. 1, pp. 121-128 (Jan. 1, 2000) (XP0008884566).	
	A9	ISAACS, R. J., et al., "Regulation of the human topoisomerase IIalpha gene promoter in confluence arrested cells", THE JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 271, no. 28, pp. 16741-16747 (Jul. 12, 1996) (XP002133355).	

Examiner Signature	Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Examiner Name	Minh-Tam DAVIS		
Sheet	2	of	2	Attorney Docket Number	065691-0266

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A10	KUBO, T., et al., "DNA topoisomerase IIalpha gene expression under transcriptional control in etoposide/teniposide-resistant human cancer cells", CANCER RESEARCH, vol. 55, pp. 3860-3864 (Sept. 1, 1995) (XP000877419).	
	A11	LIM, K., et al., "Reduced level of ATF is correlated with transcriptional repression of DNA topoisomerase IIalpha gene during TPA-induced differentiation HL-60 cells", BIOCHEMISTRY AND MOLECULAR BIOLOGY INTL., vol. 46, no. 1, pp. 35-42 (Sept. 1, 1998) (XP000900088).	
	A12	SANDRI, M. I., et al., "P53 Regulates the minimal promoter of the human nucleic acids research, GB, Oxford University Press, Surrey, vol. 24, no. 22, pp. 4464-4470 (Nov. 15, 1996) (XP002068824).	
	A13	SEQ. ID. NO. 944, pp. 5-6 and 55-57.	

Examiner Signature		Date Considered	
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